

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: :
 : **Case No.: 20-11291**
Marcus A Little : **Chapter 13**
Marcus A. Little : **Judge Magdeline D. Coleman**
Shanyel Little aka Gibson-Little : *********
Shanyel Little :

Debtor(s)

Ajax Mortgage Loan Trust 2019-E, : **Date and Time of Hearing**
Mortgage-Backed Securities, Series : **Place of Hearing**
2019-E, by U.S. Bank National : **December 8, 2020 at 10:30 a.m.**
Association, as Indenture Trustee :
 : **U.S. Bankruptcy Court**
 : **900 Market Street, Courtroom #2**
 : **Philadelphia, PA, 19107**
 :
 :
vs :
 :
Marcus A Little :
Marcus A. Little :
Shanyel Little aka Gibson-Little :
Shanyel Little :

William C. Miller, Esq.

Respondents.

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY TO PERMIT AJAX
MORTGAGE LOAN TRUST 2019-E, MORTGAGE-BACKED SECURITIES, SERIES
2019-E, BY U.S. BANK NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE TO
FORECLOSE ON 3059 N BAMBREY ST, PHILADELPHIA, PA 19132-1302**

Ajax Mortgage Loan Trust 2019-E, Mortgage-Backed Securities, Series 2019-E, by U.S. Bank National Association, as Indenture Trustee (the "Creditor") moves this Court, under Bankruptcy Code §§ 361, 362, 363, and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, or dissolving the automatic stay imposed by Bankruptcy Code § 362 and avers as follows:

1. This is an action arising pursuant to a case under Title 11 of the United States Code.

2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.

3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.

4. Marcus A Little, Marcus A. Little, Shanyel Little aka Gibson-Little and Shanyel Little (collectively, "Debtor") filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on March 2, 2020, ("Petition").

5. Debtor is currently obligated to Ajax Mortgage Loan Trust 2019-E, Mortgage-Backed Securities, Series 2019-E, by U.S. Bank National Association, as Indenture Trustee, under the terms of a certain Bank of America Equity Maximizer Agreement and Disclosure Statement, dated January 13, 2007, in the original principal amount of \$45,600.00 executed by Debtor (hereinafter "Note").

6. As security for repayment of the Note, Debtor executed a certain Open-End Mortgage, dated of even date and of even amount, currently in favor of Ajax Mortgage Loan Trust 2019-E, Mortgage-Backed Securities, Series 2019-E, by U.S. Bank National Association, as Indenture Trustee, with respect to certain real property owned by the Debtor located at 3059 N Bambrey St, Philadelphia, PA 19132-1302 (hereinafter "Mortgaged Premises") and being recorded in Philadelphia County Recordings Office at Instrument Number 51659720 on March 29, 2007 in the Office of the Recorder of Deeds in and for Philadelphia County, Pennsylvania ("Mortgage").

7. Debtor has failed to make post-petition mortgage payments for the past 8 months, as of October 30, 2020.

8. Due to said failure by Debtor to make payments when due, Creditor lacks adequate protection of its security interest in the Mortgaged Premises.

9. The total loan balance and the amount past due to Ajax Mortgage Loan Trust 2019-E, Mortgage-Backed Securities, Series 2019-E, by U.S. Bank National Association, as Indenture Trustee in post-petition arrearages are \$50,718.09 and \$3,064.42 plus attorney's fees of \$1,231.00, totaling \$4,295.42, respectively, as of October 30, 2020.

10. Per the filed Schedule D, there are two additional liens on the Mortgaged Premises. City of Philadelphia Water Revenue Bureau holds a lien for \$2,054.00 and Water Revenue Bureau holds a lien for \$1,725.00.

11. The automatic stay of Section 362 of the Bankruptcy Code should be terminated with respect to the interest of Ajax Mortgage Loan Trust 2019-E, Mortgage-Backed Securities, Series 2019-E, by U.S. Bank National Association, as Indenture Trustee in the Mortgaged Premises, pursuant to Section 362(d)(1).

WHEREFORE, Ajax Mortgage Loan Trust 2019-E, Mortgage-Backed Securities, Series 2019-E, by U.S. Bank National Association, as Indenture Trustee respectfully requests this Honorable Court to enter an order terminating the Automatic Stay as it affects the interest of Ajax Mortgage Loan Trust 2019-E, Mortgage-Backed Securities, Series 2019-E, by U.S. Bank National Association, as Indenture Trustee in the Mortgaged Premises of the Debtor specifically identified in the Mortgage, and granting such other relief as this Honorable Court may deem just. Additionally, Creditor requests the Fed.R.Bankr.P. 4001(a)(3) be waived so that the Order Terminating the Automatic Stay have immediate effect.

Respectfully submitted,

/s/ Karina Velter

Karina Velter, Esquire (94781)

Adam B. Hall (323867)

Sarah E. Barngrover (323972)

Manley Deas Kochalski LLC

P.O. Box 165028

Columbus, OH 43216-5028

Telephone: 614-220-5611

Fax: 614-627-8181

Attorneys for Creditor

The case attorney for this file is Karina Velter.

Contact email is kvelter@manleydeas.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: :
: **Case No.: 20-11291**
Marcus A Little : **Chapter 13**
Marcus A. Little : **Judge Magdeline D. Coleman**
Shanyel Little aka Gibson-Little : *********
Shanyel Little :

Debtor(s)

:
Ajax Mortgage Loan Trust 2019-E, : **Date and Time of Hearing**
Mortgage-Backed Securities, Series : **Place of Hearing**
2019-E, by U.S. Bank National : **December 8, 2020 at 10:30 a.m.**
Association, as Indenture Trustee :
Movant, : **U.S. Bankruptcy Court**
vs : **900 Market Street, Courtroom #2**
: **Philadelphia, PA, 19107**
:
Marcus A Little :
Marcus A. Little :
Shanyel Little aka Gibson-Little :
Shanyel Little :

William C. Miller, Esq.

Respondents.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Relief from the Automatic Stay to permit Ajax Mortgage Loan Trust 2019-E, Mortgage-Backed Securities, Series 2019-E, by U.S. Bank National Association, as Indenture Trustee to foreclose on 3059 N Bambrey St, Philadelphia, PA 19132-1302 was served on the parties listed below via e-mail notification:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

William C. Miller, Esq., Chapter 13 Trustee, Chapter 13 Trustee, P.O. Box 1229,
Philadelphia, PA 19105, ecfemails@ph13trustee.com

Brad J. Sadek, Attorney for Marcus A Little and Marcus A. Little and Shanyel Little aka Gibson-Little and Shanyel Little, Sadek and Cooper, 1315 Walnut Street, Suite 502, Philadelphia, PA 19107, brad@sadeklaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on November 13, 2020:

Marcus A Little and Shanyel Little aka Gibson-Little, 3128 N. Spangler Street, Philadelphia, PA 19132

Marcus A. Little and Shanyel Little, MAILING ADDRESS, 604 Wellfleet Drive, Middletown, DE 19709

Marcus A Little and Shanyel Little aka Gibson-Little, 3128 N. Spangler Street, Philadelphia, PA 19132

Marcus A. Little and Shanyel Little, MAILING ADDRESS, 604 Wellfleet Drive, New Castle, DE 19709

Marcus A Little, Marcus A. Little, Shanyel Little aka Gibson-Little and Shanyel Little, 3059 N Bambrey St, Philadelphia, PA 19132-1302

City of Philadelphia, Water Revenue Bureau, Law Department, 1401 John. F Kennedy BLVD., 5th Floor, Philadelphia, PA 19102

Water Revenue Bureau, 1401 JFK Boulevard, Philadelphia, PA 19102

DATE: November 13, 2020

/s/ Karina Velter

Karina Velter, Esquire (94781)

Adam B. Hall (323867)

Sarah E. Barngrover (323972)

Manley Deas Kochalski LLC

P.O. Box 165028

Columbus, OH 43216-5028

Telephone: 614-220-5611

Fax: 614-627-8181

Attorneys for Creditor

The case attorney for this file is Karina Velter.

Contact email is kvelter@manleydeas.com